



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/583,654

05/30/2000

Kelly R. Ahlgren

D-41939-10

3753

28236 7590 10/12/2010

LAW DEPARTMENT
SEALED AIR CORPORATION
P.O. BOX 464
DUNCAN, SC 29334

EXAMINER

TARAZANO, DONALD LAWRENCE

ART UNIT

PAPER NUMBER

1786

MAIL DATE

DELIVERY MODE

10/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/583,654	Applicant(s) AHLGREN ET AL.	
	Examiner D. Lawrence Tarazano	Art Unit 1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Pursuant to the Board decision dated 9/16/2005 the applicants are not entitled to a patent on claims 1, 3-5, 7, 10-14, and 20-24 for various reasons. These claims are canceled. Claims 15-19 need to be rewritten in independent form.

In the proceeding of the Interference, claims 1, 3-5, 7, 10-14, and 20-24 were stated as being indefinite. While claims 15-19 were not considered part of the Interference, these claims have the same issue present as claim 1, thus these claims are considered to be indefinite for the same reasons.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. All the claims require the use of single-site catalyzed copolymer having "long chain branching." The instant application fails to define the nature or amount of "long chain branching". While the instant application make reference to Dow EP 416 815, it states that "(I)t is believed that the Dow Metallocene resins possess the limited long chain branching."
4. In a related Dow case, Lai (5,272,236), they describe resins produced using constrained geometry catalysts as having limited long chain branching, i.e. the polymer backbone is

Art Unit: 1786

substituted with up to 3 long chain branches /100 carbons. Lai et al. further define "long chain branching" as "a chain length of about 6 carbons, ... [and] can be as long as about the same length of the polymer backbone (column 3, lines 58-63).

5. Given that various alpha-olefin comonomers are polymerized with the ethylene main monomer, including those having 6 or 8 carbons (i.e. hexene or octene), it is not clear how long chain branching according to this definition is different from homogeneous polyethylene polymers made by metallocene catalysis, wherein hexene or octene are used as a comonomer. One can not determine what is considered to be the breadth of the term "long chain branching"

Any inquiry concerning this communication should be directed to D. Lawrence Tarazano at telephone number (571)272-1515.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 1786

D. Lawrence Tarazano
SPE
Art Unit 1786